

CHAPTER I

INTRODUCTION

A. Background of Research

The Islamic religion is very concerned about the safety of its followers, so all forms of legislation that are implemented must contain benefits for followers of the Islamic religion. Not only in terms of worshiping Allah but also in matters of the household, Islam does not only require its adherents to enter into a marriage as the beginning of a household but also how to establish an ideal household that is *sakinah* (peace), namely harmonious, enjoyable household relationships and full of affection.¹

The definition of a *sakinah* (peace), *mawaddah* (affection), and *warahmah* (bounty) is a family that is built on a legal marriage, is able to fulfil spiritual and material needs in a proper and balanced manner, is filled with an atmosphere of love between family members and their environment in harmony, and is able to practice and deepen the values of faith, piety, and noble morals.² It is stated in *Al-Qur'an* (Islamic holy book), Surah Asy-Syūrā verse 23:

ذَٰلِكَ الَّذِي يُبَشِّرُ اللَّهَ عِبَادَهُ الَّذِينَ ءَامَنُوا وَعَمِلُوا الصَّالِحَاتِ قُلْ لَا أَسْأَلُكُمْ عَلَيْهِ أَجْرًا إِلَّا
الْمُودَّةَ فِي الْقُرْبَىٰ وَمَن يَقْتَرِفْ حَسَنَةً نَّزِدْ لَهُ فِيهَا حُسْنًا إِنَّ اللَّهَ غَفُورٌ شَكُورٌ

¹ Subairi, “Keharmonisan Rumah Tangga Perspektif Hukum Islam”, *Mabahits: Jurnal Hukum Keluarga*, Vol. 2, No. 2 (November, 2021), p. 171.

² Henderi Kusmidi, “Konsep Sakinah, Mawadah dan Rahmah dalam Pernikahan”, *El-Afkar*, Vol. 7, No. 2, (July-December, 2018), p. 64.

The meaning: “That ‘reward’ is the good news which Allah gives to His servants who believe and do good. Say, ‘O Prophet,’ “I do not ask you for a reward for this ‘message’—only honour for ‘our’ kinship.”¹ Whoever earns a good deed, we will increase it in goodness for them. Surely Allah is All-Forgiving, Most Appreciative.”

Every household definitely desires harmony in their household. Domestic harmony can be created if there is a good relationship between husband and wife, children are educated, household needs are met, sexual needs are met, a good social life is created, and faith increases.³ *Sakinah* (peace), *mawaddah* (affection), and *warahmah* (bounty) will be achieved if husband and wife carry out their obligations and responsibilities. In Islam, the division of tasks between a husband and wife is a requirement of nature, and the division of tasks is of course adjusted to the conditions in the family.⁴

Harmony and prosperity in a household are impossible and cannot be achieved without awareness and concern for carrying out the obligations of the husband and wife to realize the rights of their partner. If there is an inequality where rights are more emphasized or broader than obligations, or vice versa, injustice will undoubtedly be created.⁵ As times progress, with increasing demands on life and various other reasons, the rights and

³Ahmad Sainul, “Konsep Keluarga Harmonis dalam Islam”, *Jurnal Al-Maqasid*, Vol. 4, No. 1, (January-July, 2018), p. 88.

⁴ Irfan B, Rusdaya Basri, Saidah, Suhartina, “The Analysis of an Islamic Family Law to Saqina Family of Expatriate Husband”, *Marital: Jurnal Hukum Keluarga Islam*, Vol. 1, No.1 (May, 2022), p. 4.

⁵ Haris Hidayatulloh, “Hak dan Kewajiban Suami Istri dalam Al-Qur'an”, *Jurnal Hukum Keluarga Islam*, Vol. 4, No. 2 (October, 2020), p.145.

obligations of husbands and wives cannot always be fulfilled, especially the rights of wives, who must be provided for by their husbands.⁶

There have been many shifts in the roles and functions of husbands and wives. For example, in terms of earning and providing a living, if we refer to Islamic law, the person who is obliged to provide maintenance is the husband, not the wife.⁷ As explained in *Al-Qur'an* (Islamic holy book), in Surah Al-Baqarah verse 233:

﴿ وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا لَا تُضَارَّ وَالِدَةٌ بِوَالِدِهَا وَلَا مَوْلُودٌ لَهُ بِوَالِدِهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَدْتُمْ أَنْ تَسْرِعُوا فَأَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا ءَانَيْتُمْ بِالْمَعْرُوفِ وَأَتَقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ ﴾

The meaning: "And it is the father's obligation to feed and clothe the mothers in a virtuous manner. Someone not burdened but according to ability levels". However, the facts on the ground have proven that it has become commonplace for a wife to play the role of breadwinner, either as additional economic support or as the main breadwinner in the family."

The phenomenon that occurs in Indonesia is that society does not mind the phenomenon where women work or earn a living for their families, the main factors are economic, social, cultural, political, and other demands.⁸

⁶ Dewi Cahyati, "Peran Ganda Istri dan Pengaruhnya terhadap Nusyuz", *Jurnal Riset Hukum Keluarga Islam (JHKI)*, Vol. 2, No. 2 (December, 2022) p. 112.

⁷ Fajar Nur Kholifah and Rara Siti Maruroh, "Peran Ganda Perempuan dalam Budaya Patriarki di Indonesia Menggunakan Analisis Said Ramadhan Al-Buthi", *Al-Isyraq: Jurnal Bimbingan, Penyuluhan, dan Konseling Islam*, Vol. 5, No. 2 (March, 2022), p. 177.

⁸ Nadya Syafitri, Hamdani, Ramziati, "Tanggung Jawab Nafkah Keluarga dari Istri yang Bekerja Menurut Kompilasi Hukum Islam (KHI) Dan Hukum Adat (Studi Penelitian di Kota

People seem to think this is a normal phenomenon and there is no need to worry about it. However, there are some people who object to women exploring their personal abilities outside the home, especially those who are married. In Islamic law itself, there is no prohibition for a woman to work, there is not a single instruction or provision in the Islamic religion that states that women are prohibited from working outside the home, especially if the work requires the role and handling of women.⁹

Fiqh scholars (Islamic jurisprudence scholars) state that there are two reasons why a woman is allowed to work outside the home and earn a living, namely if she is pressed by economic demands where household needs require a lot of money for daily needs and to carry out family functions while the husband's income is not yet sufficient, the husband's illness or death, so she is obliged to earn a living for herself and her children. Another reason is if the work requires the care of a woman, such as a midwife, nurse, teacher, doctor, or other work that requires a woman's role in it.

In the book *al-Mawsu'at al-Fiqhiyyah al-Kuwaitiyyah*, it is written that the main task of a woman is to take care of the household and educate her children.¹⁰ The messenger of Allah, The Prophet Muhammad in *hadith* (words of the Prophet Muhammad) narrated by Imam Bukhari once said, "A woman manages and is responsible for the affairs of her husband's house." This means

Lhoksumawe)", *Suloh: Jurnal Fakultas Hukum Universitas Malikussaleh*, Vol 10, No. 2 (November, 2022), p. 327-328

⁹ Afif Muamar, "Wanita Karir dalam Prespektif dan Psikologis dan Sosiologis Keluarga serta Hukum Islam", *Jurnal Equalita*, Vol. 1, No.1 (August, 2019), p. 34.

¹⁰ Syifa Aulia Widya Ananda, Widad Alfiyah Zayyan, Imamul Arifin, "Pandangan Islam Tentang Wanita Karir dan Ibu Rumah Tangga dalam Bingkai Keluarga dan Masyarakat", *Jurnal Studi Islam*, Vol. 22, No. 2 (December, 2021), p. 347.

that women are not required to fully fulfill their lives or earn a living because this is the obligation of their fathers and husbands.

Sayid Qutb, an Egyptian scholar and cleric, said that Islam allows Muslim women to work, but with certain conditions. He believes that there is no prohibition in Islam for women who want to become doctors, teachers, researchers, or community figures. Islam allows Muslim women to work according to their abilities and feminine nature, especially from a biological and mental perspective.¹¹ Therefore, it can be concluded that Islam never positions women as only staying at home and remaining silent.

The group of *Ulama* (scholars) believes that Islam does not prohibit it women work outside the home, as long as they understand it conditions that allow women to work and them can fulfill it. This group of *Ulama* (scholars) believes that Islam does not prohibit it women work outside the home, as long as they understand it conditions that allow women to work and them can fulfill it. As for the conditions that allow women to work in outside the house are as follows as explained by Abd al-Rabb Nawwab al-Din, the woman must cover their *aurat/aurah* (all of woman part of body except face and hands), take permission from her husband, and not forgetting her obligations as a wife and a mother.¹²

Even though in Islamic law women are allowed to work and earn a living, it is not an obligation or duty for a woman to do so, but working is a man's

¹¹ Husna Husain, "Sayyid Qutb's Views on Women In Tafsir fi Zilal al-Quran: An Analysis Pandangan Sayyid Qutb Tentang Wanita dalam Tafsir fi Zilal al-Quran: Satu Analisa", *Jurnal Sultan Alauddin Sulaiman Shah*, Vol. 4, No. 2 (January, 2018), p. 81.

¹² Khusniati Rofiah, 2021, *Produktivitas EkonomiI Perempuan dalam Kajian Islam dan Gender*, Yogyakarta, Q-Media, p. 49-51.

duty and obligation as head of the family or husband. However, the facts that occur in the field show that working or earning a living is an obligation and demand for a woman, especially a housewife. Not a few women work to fulfill their domestic lives, even these housewives have to go directly to work, even though it is hard work, such as carrying laborers, parking attendants, traveling vegetable baskets, buskers, and street hawkers.

Economic demands and the consequences of the husband's role as head of the family not being optimal are the main reasons housewives have to work in the field like husbands and men do.¹³ This situation makes women have two roles at once, or what is known as the dual role of a housewife, namely the domestic role in charge of taking care of the household and the public role in charge of working outside the home or working to meet the family's living needs. Most of them work as laborers and traders whose salaries are not sufficient to meet their family's needs.¹⁴

A woman or housewife who works outside or at the domestic level makes women more advanced and tough in moving and thinking. Like the housewife who works as a street hawkers in Alun-Alun Kidul Yogyakarta. There are quite a few female workers who work as street hawkers in Alun-Alun Kidul. There are many interesting and admirable things about this great housewife who works as a street hawkers in Alun-Alun Yogyakarta.

¹³ Abdul Aziz, "Peran Perempuan dalam Nafkah Keluarga Perspektif Hukum Islam", *Jurnal al-Azhary*, Vol. 9 No. 1 (April, 2023), p. 67.

¹⁴ Darmin Tuwu, "Peran Pekerja Perempuan dalam Memenuhi Ekonomi Keluarga", *Al-Izzah: Jurnal Hasil-Hasil Penelitian*, Vol. 13, No. 1 (May, 2018), p. 63-64.

Since most people we encounter working as street hawkers in Alun-Alun Kidul Yogyakarta do so from 3:00 p.m until 2:00 a.m, jobs like these are undoubtedly uncommon for women to perform. However, working housewives ignore this, they continue to do this work due to economic demands and the increasing necessities of life, especially life in a big city like Yogyakarta. Moreover, they (housewives) can only rely on themselves to meet their own needs and those of their children.

This proves that the figure of this woman is inversely proportional to the existing facts on the ground because a woman is usually identified with beauty, refinement, and craft. This role may also be different from the roles played by other women because it is not easy for a housewife to divide her time between carrying out two roles at once. And not all housewives are able to carry out the responsibilities that other housewives can.

The high economic demands for survival result in a woman or housewife having to take part and be involved directly in earning a living for her family. There are various reasons and factors that result in a housewife having to work, such as a lack of income from her husband so that a wife or housewife has to work to meet her needs, a husband who was previously the breadwinner has died, a husband is irresponsible towards his family in earning a living so a wife or a housewife has to work, a wife lives alone so she has to meet their own living needs as well as for the lives of their children, being in debt, and other reasons that require a housewife to go directly to work.

In Indonesia, where it is considered normal for a woman to act as a mother at home and as a breadwinner in public or outside the home, the dual roles of a wife and a housewife have become a common occurrence.¹⁵ In fact, this can be said to be the obligation of a wife and a housewife to earn a living. In fact, Islamic law states that a woman, wife, and housewife do not have an obligation to earn a living, but earning a living is the duty of a husband or head of the family who is obliged to earn a living for his family.¹⁶ In Islamic law, it is said that a woman is allowed to work for certain reasons, such as economic demands and jobs that must involve women, such as midwives, nurses, teachers, doctors, and other jobs that need to involve women.

The goal of the research is to ascertain and comprehend the dual roles that a working wife or housewife plays from the standpoint of Islamic law. Thus, it is hoped that this research will increase insight and knowledge for readers regarding the dual role of a wife or a working housewife from an Islamic legal perspective.

B. Problem Formulation

1. How does Islamic law look at the phenomenon of the dual roles of working housewives?
2. How do the housewives who work as street hawkers in Alun-Alun Kidul Yogyakarta run the dual roles?

¹⁵ Sri Yulita Pramulia Panani, Aris Novita Rahayu, Wahyu Alga Ramadhan, Fitri Alfariz, Sartini, "Pandangan Buruh Gendong di Yogyakarta terhadap Peran Ganda Perempuan", *Jurnal Filsafat*, Vol. 31, No. 2 (August, 2021), p. 292-293.

¹⁶ Dale F. Eickelman and Simeon Evstatiev, 2022, *Islam, Christianity, and Secularism in Bulgaria and Eastern Europe The Last Half Century*, Belanda, Brill, p. 172.

3. How are the impact of the dual roles of housewives who work as street hawkers on family harmony and children's education?

C. Objective of Research

The objectives of the research is to explore the dual roles of working housewives in the perspective of Islamic law and how they manage their work and family responsibilities. The research also aims to investigate the challenges faced by working housewives and how they overcome their problems. The research also have the purposes, namely:

1. To find out how does Islamic law look at the phenomenon of the dual roles of working housewives?
2. To find out how do the housewives who work as street hawkers in Alun-Alun Kidul Yogyakarta run the dual roles and the impact on family harmony and children's education?

D. Benefits of Research

Based on the research objectives above, it is hoped that this research will provide direct and indirect benefits to education. Some of the expected benefits from this research are as follows:

1. Theoretical Benefits

It is hoped that it can provide and develop scientific thoughts for scientific development and be useful for researchers because they can obtain information as well as apply the knowledge that researchers obtain

in college in the realm of Islamic law regarding the dual role of a housewife who works from an Islamic legal perspective.

2. Practical Benefits

It is hoped that it can provide information and increase knowledge, especially regarding the problem of the dual role of housewives who work from an Islamic legal perspective, as well as provide information about the dual roles carried out by housewives who work as street hawkers in Alun-Alun Kidul Yogyakarta. It is also hoped that this research can become literature and a reference for students who will conduct further research regarding the dual role of working wives from an Islamic legal perspective: a case study of street hawkers female in Alun-Alun Kidul Yogyakarta.